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| APPLICATION NO.   | FILING DATE  | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|---|--------------|----------------------|---------------------|------------------|
| 09/535,186  | 03/27/2000   | George McBride       | CARDIOBEAT-I        | 3794             |
| 7590  | 11/05/2002   |                      | EXAMINER            |                  |
| Donald J. Lenkszus PC<br>P O Box 3064<br>Carefree, AZ 85377 |              |                      | KIM, PAUL L         |                  |
| ART UNIT  | PAPER NUMBER |                      |                     |                  |
| 2857  |              |                      |                     |                  |
| DATE MAILED: 11/05/2002                                     |              |                      |                     |                  |

Please find below and/or attached an Office communication concerning this application or proceeding.

A7C

|                              |                        |                  |
|------------------------------|------------------------|------------------|
| <b>Office Action Summary</b> | Application No.        | Applicant(s)     |
|                              | 09/535,186             | MCBRIDE ET AL.   |
|                              | Examiner<br>Paul L Kim | Art Unit<br>2857 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 16 August 2002.

2a) This action is FINAL.                  2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-20 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-20 is/are rejected.

7) Claim(s) \_\_\_\_\_ is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

#### Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

#### Attachment(s)

|  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                             | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____  |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)         | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

2. The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Alleckson et al.

With reference to claims 1 and 4, Alleckson et al. teaches a medical testing method comprising the steps of: providing and coupling a test sensor to a subject (fig. 1, parts 108a, 108b, 108c), coupling the test sensors to an apparatus having access to the Internet (fig. 1, part 106), operating the apparatus to automatically obtain test measurement data from the test sensors (col. 4, lines 6+), and uploading the test measurement data via Internet to a location remote from the subject (fig. 1, part 106).

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With reference to claim 2, Alleckson et al. teaches providing a server at a remote location (fig. 2, part 130), processing the information at the central server (col. 10, lines 30-33).

With reference to claim 3, Alleckson et al. teaches downloading processed data from the server to the apparatus (col. 15, lines 41-54) and displaying the information (col. 15, lines 49-50).

With reference to claims 5-7, Alleckson et al. teaches receiving a request at the server from a second apparatus having access to the internet and transmitting the processed data to the second apparatus via Internet (fig. 3, parts 134a-134c).

With reference to claims 8-9, Alleckson et al. teaches storing the processed data in a database (col. 5, lines 45-48).

With reference to claims 10-11, Alleckson et al. teaches analyzing data measurement history at different times with a program (col. 5, lines 48-57).

With reference to claims 12-13, Alleckson et al. teaches transmitting and receiving a second processed data from the server via Internet (col. 3, lines 12-17).

With reference to claims 14-16, Alleckson et al. teaches receiving and transmitting a second request to obtain the second processed data at the server from the second apparatus via Internet (col. 11, lines 25-31 & col. 12, lines 58-61).

With reference to claim 17, Alleckson et al. teaches encrypting and decrypting patient data at the second apparatus (col. 10, lines 47-52).

With reference to claims 18-19, Alleckson et al. teaches providing multimedia means at the apparatus, using the interface to communicate test instructions to the subject, and receiving the test information via Internet (col. 9, lines 33+).

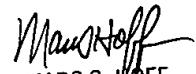
With reference to claim 20, Alleckson et al. teaches receiving the test instruction information from a central server coupled to the Internet (col. 15, lines 42+).

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Kim whose telephone number is 703-305-7468. The examiner can normally be reached on Monday-Thursday 10:00-7:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Marc Hoff can be reached on 703-308-1677. The fax phone numbers for the organization where this application or proceeding is assigned are 703-746-4440 for regular communications and for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0956.

PK  
November 4, 2002

  
MARC S. HOFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2800